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10/800,308	03/11/2004	Sami Movsesian	48020.2.1	1746

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EXAMINER

HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/800,308

Applicant(s)

MOVSESIAN ET AL.

Examiner

Stephen A. Holzen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 34-54 is/are pending in the application.
- 4a) Of the above claim(s) 32 and 34-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 50-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments concerning the election/restriction requirement filed 5/09/2005 have been fully considered but they are not persuasive. The applicant has alleged that examination of all claims would not present a serious burden on the examiner. To support this allegation the applicant has asserted that a similar or convergent search would be required for all the groups. This is, however, not the case. The subject matter of Group I has a primary search in class 244, while the method of making the materials would require a search in class 428. The claims are restrictable since the product can be made via a different method. Therefore, the examiner would not only need to search in different classifications, but would need to search for divergent subject matter. The search for the product is not required for the process of making, and the search for the method of making is not required for the material. The restriction requirement is made final.
2. The applicant's arguments concerning the rejection of the claims have been persuasive, and these rejections have been withdrawn. However a new rejection has been presented. The allowance of claims 25-31 has also been withdrawn.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, the phrase "the retention system" in line of the claim lacks antecedent basis. The examiner has assumed that the applicant meant for claim 27 to be dependant from claim 26 for the purposes of examination.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6-11, 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Allwein et al (6,141,930).

Re – Claim 1: Allwein et al discloses a modular insulation blanket (Col. 6, line 59: C6/L59), a plurality of batting blocks (C6/59, #32) and a cover having sealed perimeter edges (#34, #26) and a plurality of modules, the cover comprising a distal layer and a proximal layer (see Figure 2), the layers being mated in sealed relationship along a heat-sealed seam (#46) with the batting blocks disposed between said layers within the modules which are separated by the heat-sealed seams (see Figures 2 and 7).

Re – Claim 2: Allwein et al discloses a modular insulation blanket (C6/L59) comprising a plurality of batting blocks (C6/L59) of fiberglass (C6/L55 – C7/L7), a cover (#35) having a sealed perimeter edges (#26) and a plurality of modules (#32) the cover

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comprising a distal layer and a proximal layer (see Figure 2), the layers each having perimeter edges (#26) and being formed of a flexible, thermoplastic film sheet mated in heat sealed relationship along a plurality of heat-sealed seams (PE is a thermoplastic film, see C7/I16 and C9/L22-25; Allwein et al teaches that the envelope is made of Polyethylene, a thermoplastic film, and Allwein further discloses that the connecting strips are formed from heat welding the envelopes together to form the seam, see also #46 in Figure 3), the batting blocks being disposed between said layers within the modules which are separated by the plurality of heat-sealed seams (see Figure 2 and 3), the layer being mated in sealed relationship at the perimeter edges (see Figure 2).

Re – Claim 6: Allwein et al discloses at least one of the heat-sealed seams perforated to provide a tear-line (#28).

Re – Claim 7: wherein at least one of the heat-sealed seams is a foldable seam (#26, C6/L12).

Re – Claim 8: wherein at least one of the heat-sealed seams is perforated to provide a tear-line and at least one of the heat-sealed seams is a foldable seam (#28).

Re – Claim 9: wherein the distal cover layer of the plurality of modules is perforated to allow the module to breath (C7/L38-43).

Re- Claim 10: further comprising a breather in the distal cover layer of each of the planarity of modules (C7/L38-43).

Re – Claim 11: further comprising a plurality of attachment means affixed to the exterior surface of the proximal cover layer (#26, #30, C6/L5-11).

Re – Claim 15: wherein the cover layers are formed of a thermoplastic film sheets (PE is a thermoplastic film C7/L16 and C9/L22-25).

Re – Claims 16 and 17: wherein the thermoplastic film sheets are a synthetic polymer and a co-polymer. (PE is a synthetic polymer and a co-polymer).

Re – claim 18 and 19: wherein the cover layer is formed of a thermoplastic film sheet (polyethylene).

Re – Claim 20: wherein each of the plurality of modules has interior dimension defining a module area and the batting blocks are sized to substantially conform to the module area of the modules in which they are disposed (see Figure 2).

Re – Claim 21: wherein the dimensions of the blanket are such that they are capable of being placed in a fuselage (note: this claim does not impart any structure, and only limits the dimensions such that they must be capable of being located in the fuselage. A fuselage has not been specifically claimed. Allwein necessarily teaches this capability since the blanket/insulation of Allwein is meant to fit within “standard widths and nonstandard widths” of cavities for installation of insulation and this insulation has this capability.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 5, 12, 13, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allwein in view of Hall (5,362,539).

Re – Claim 3: Allwein discloses every limitation, as described above, except a retention system comprised of a plurality of attachment means affixed to the proximal layer of the cover. Hall disclose that it is known to use a retention system having a plurality of attachment means affixed to the proximal layer of the cover (see C2/L65 “Velcro” that fastens the Core #11 to the Film #20). It would have been obvious to one having ordinary skill in the art, at the time invention was made to use Velcro to affix an attachment means to the proximal layer of the cover to ensure that the films and core insulation do not sag, or move relative to each other.

Re – Claims 4, 5, and 22: Allwein discloses each layer has an interior cover surface and an exterior cover surface (Figure 2 illustrates an interior and exterior sides of the proximal and distal layers). Allwein however does not disclosed a blanket further comprising at least one mechanical fastener joining each batting block to eat least one interior cover surface of the module in which said batting block is deposited. Hall et al however teaches that it is well known to use mechanical fasteners to join the interior cover surface to the batting block. (see C2/L65 “Velcro” that fastens the Core #11 to the Film #20). It would have been obvious to one having ordinary skill in the art, at the time invention was made to use Velcro to affix an attachment means to the proximal layer of the cover to ensure that the films and core insulation do not sag, or move relative to each other.

Re – Claim 12: Allwein discloses every aspect of the present in as described above, however does not disclose a retention system. Hall however teaches that it is known to provide a retention system between the batting block core and the film (see C2/L60+). It would have been obvious to one having ordinary skill in the art, at the time invention was made to use Velcro to affix an attachment means to the proximal layer of the cover to ensure that the films and core insulation do not sag, or move relative to each other.

Re – Claims 13: Allwein discloses a cover having at least four sealed perimeter edges (see C7/L48-50 “it is preferred to completely encapsulate the insulation material within the envelopes”). However Allwein does not disclose an attachment means affixed to the perimeters. Hall however teaches that it is well known to provide an attachment means affixed to at least one of the sealed perimeter edges, said attachment means is a mechanical fastener. (see Hall C2/L60+). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to use the attachment means affixed to the perimeters of the film for the purpose of ensure that the films and core insulation do not sag, or move relative to each other.

Re – Claim 14: Allwein discloses a cover having at least two opposed sealed perimeter edges (see Figures 2 and 3) however does not disclose a blanket having an attachment means affixed to each of the two opposed seal perimeter edges. Hall



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however teaches that it is well known in the art to use mechanical fastening means between the seal perimeter edges and the core. (see Col. 2/60+ "Velcro"). It would have been obvious to one having ordinary skill in the art, at the time invention was made to affix Velcro between the sealed perimeter edges and the core to ensure that the films and core insulation do not sag, or move relative to each other.

6. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allwein et al in view of Daubert et al (3,386,527). Allwein disclose every aspect of the present invention except wherein the blanket comprising a plurality of noise dampers adhered to the proximal layer. Daubert et al disclose adhesive sound damping tape for use in aircraft fuselages and empennage panels (see C6/L50). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to place the sound dampening tape on the insulation surface of Allwein et al to dampening the vibrating surface of the aircraft.

7. Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allwein et al in view of Daubert et al (3,386,527) and further in view of Hall et al (5,362,539). Allwein disclose every aspect of the present invention except wherein the blanket comprising a plurality of noise dampers adhered to the proximal layer. Daubert et al disclose adhesive sound damping tape for use in aircraft fuselages and empennage panels (see C6/L50). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to place the sound dampening tape on the insulation

surface of Allwein et al to dampening the vibrating surface of the aircraft. Allwein discloses every aspect of the present in as described above, however does not disclose a hook and loop retention system. Hall however teaches that it is known to provide a retention system between the batting block core and the film (see C2/L60+, "Velcro"). It would have been obvious to one having ordinary skill in the art, at the time invention was made to use Velcro to affix an attachment means to the proximal layer of the cover to ensure that the Films and Core Insulation do not sag, or move relative to each other.

8. Claims 25, 28, 29, 30, 50, 52 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allwein et al in view of Sloan (5,779,193).

Re – Claims 25, 50, 52: Allwein et al discloses a modular insulation blanket (Col. 6, line 59: C6/L59), a plurality of batting blocks (C6/59, #32) and a cover having sealed perimeter edges (#34, #26) and a plurality of modules, the cover comprising a distal layer and a proximal layer (see Figure 2), the layers being mated in sealed relationship along a heat-sealed seam (#46) with the batting blocks disposed between said layers within the modules which are separated by the heat-sealed seams (see Figures 2 and 7). Allwein does not disclose the use of insulation in an aircraft fuselage. Sloan however teaches that it is well known to apply insulation within an aircraft fuselage. It would have been obvious to employ the insulation of Allwein et al into an aircraft fuselage as taught by Sloan for the purpose of acoustically and thermally insulating the interior of the fuselage.

Re – Claim 28: wherein the insulation blankets are affixed in constant conforming interface with the interior skin surface (see Sloan Figure 3)

Re – Claims 29 and 30: wherein the distal cover layer of the plurality of modules is perforated to allow the module to breath (Allwein C7/L38-43)

Re – claim 54: wherein the insulation material is fibrous insulations materials (Allwein C6/L54+)

9. Claims 26, 27, 31, 51, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allwein in view of Hall (5,362,539) as applied above.

Re – Claims 26, 31, 51, 53: Allwein discloses every limitation, as described above, except a retention system comprises of a plurality of attachment means affixed to the proximal layer of the cover. Hall however disclose that it is known to use a retention system having a plurality of attachment means affixed to the proximal layer of the cover (see C2/L65 “Velcro” that fastens the Core #11 to the Film #20). It would have been obvious to one having ordinary skill in the art, at the time invention was made to use Velcro to affix an attachment means to the proximal layer of the cover to ensure that the Films and Core Insulation do not sag, or move relative to each other.

Re – Claim 27: wherein the retention system is a hook and loop type (see Velcro C2/L65).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6309. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harvey Behrend can be reached on 202-636-3646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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